

REMARKS

Claims 1-17 and 19-20 are pending in the instant application. Claims 3, 5, and 7 stand objected to for not recognizing the antecedent basis for “a hand-held syringe”. Claim 20 stands rejected under 35 U.S.C. §112, second paragraph for failing to distinctly claim the subject matter which the applicant regards as the invention. Claims 1-14, 16-17, and 19-20 stand rejected under 35 U.S.C. §102(b) as being anticipated by United States Patent No. 6,821,013 to Reilly et al. Claims 1-10, 16-17, and 19-20 stand rejected under 35 U.S.C. §102(b) as being anticipated by United States Patent Publication No. 2002/0077588 to Schneider et al. The application has been amended. The claims have been amended. Applicant respectfully submits that none of the amendments introduce new matter in contravention of 35 U.S.C. §132. Reconsideration is respectfully requested.

First, Applicants gratefully acknowledge the indicated allowability of claim 15.

Claim 20 stands rejected under 35 U.S.C. §112, second paragraph for failing to distinctly claim the subject matter which the applicant regards as the invention. The Office contends that the claim remains indefinite as it claims a method of administering a liquid without claiming a step for actually administering a liquid. Applicant respectfully submits that this rejection stands obviated by the amendment to claim 20 to clearly recites a step of administering the liquid from the syringe. Reconsideration and withdrawal of the rejection are respectfully requested.

Claims 1-14, 16-17, and 19-20 stand rejected under 35 U.S.C. §102(e) as being anticipated by United States Patent No. 6,821,013 to Reilly et al. This rejection is respectfully traversed.

Applicant respectfully submits that Reilly is not prior art to the instant application. The current application claims benefit of its priority filing in Norway on August 7, 2002. The priority application was then made subject of an international application designating the

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United States on August 6, 2003, prior to national stage entry in the United States on February 3, 2005. Reilly has a priority date of December 20, 2002, more than four months after the earliest priority date of the instant application. Therefore, as Reilly is not prior art to the instant application, the rejection is improper. Reconsideration and withdrawal of the rejection are respectfully requested.

Claims 1-10, 16-17, and 19-20 stand rejected under 35 U.S.C. §102(b) as being anticipated by United States Patent Publication No. 2002/0077588 to Schneider. This rejection is respectfully traversed.

Schneider does not disclose an adaptor for a syringe pump, but in fact discloses a syringe pump. The syringe pump of Schneider is a stand-alone system.

The Office maintains that the limitation of ‘connectable’ is a functional limitation which the reference only needs the capability of performing. The Office further interprets the term ‘connectable’ as two elements to come into contact with each other. Applicants note, however, that claim 1 recites that the adaptor as claimed is connectable to two objects, the syringe pump and the syringe.

Yet, the ‘adapter’ cited by the Office is a key component of the syringe pump, such that without this ‘adapter’ the syringe pump could not function as a syringe pump. Schneider includes a component (such as part 4 in figure 1 or part 24 in Figure 4a) which provides for rotational agitation of a syringe, however neither of these parts can be described as an ‘adapter’ for a syringe pump because each is an integral and required component of the syringe pump. That is, without components 4 or 24 (and part 24 includes a rotating bracket 30a&b) there would be not retention of the syringe within the syringe pump and thus nothing to hold the syringe barrel in place while the plunger rod is advanced, resulting in the syringe would just being kicked away by the action of the power driver. So, without components 4 or 24, there would be no syringe pump.

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Thus, neither of these components can be described as an adapter connectable to a syringe pump as they are part of the syringe pump themselves. Moreover, neither of these components can be said to be connectable to both a syringe pump and a syringe because they are actually required components of the syringe pump. Therefore, there is no need to contemplate the proper breadth of the term “connectable”, as the Schneider ‘adapter’ is not an adapter within the meaning of the instant application at all. The instant application is clear that the adapter of the present invention is to be used with a fully functioning pump.

Therefore, as Schneider fails to disclose an adaptor connectable to a syringe pump and a syringe, Applicant respectfully submits that Schneider does not disclose each and every element of the claimed invention. Reconsideration and withdrawal of the rejection are respectfully requested.

In view of the remarks hereinabove, Applicant respectfully submits that the instant application, including claims 1-17 and 19-20, is in condition for allowance. Favorable action thereon is respectfully requested.

Any questions with respect to the foregoing may be directed to Applicant’s undersigned counsel at the telephone number listed below.

Respectfully submitted,

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